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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENGUIN GROUP (USA), INC.,

Plaintiff,

-v-

THOMAS STEINBECK, et al.,

Defendants.

ORDER

04 CV 06795 (GBD)

GEORGE B. DANIELS, District Judge:

The United States Court of Appeals for the Second Circuit, reversing the ruling of the district court, concluded that "the 2004 notice of termination," given to Penguin Group (USA) Inc. ("Penguin") by Plaintiffs Thomas Steinbeck and Blake Smyle, is ineffective.

In accordance with the mandate of the Second Circuit, the Court declares that the defendants' notice of termination is not enforceable, and Penguin's rights in the works did not terminate thereunder.

Dated: New York, New York
April 22, 2009

SO ORDERED:

George B. Daniels

GEORGE B. DANIELS
United States District Judge